

V2 Appendix A - Transition Checklist

Transition Checklist

SECTION 1 - Mediation Closure Assessment

Determining Whether Mediation Has Concluded

Have all reasonable mediation efforts been explored?

Yes / No

Comments:

Have the participants had adequate opportunity for discussion, negotiation, clarification, and settlement exploration?

Yes / No

Comments:

Have all partial agreements been identified, clarified, and documented appropriately?

Yes / No

Comments:

Does it appear that further mediation is unlikely to produce meaningful progress at this time?

Yes / No

Comments:

Has the neutral avoided pressuring settlement, coercive transition, or premature movement into arbitration?

Yes / No

Comments:

SECTION 2 - Emotional and Procedural Readiness

Participant Stability Assessment

Do participants appear emotionally capable of transitioning into adjudicative process structure?

Yes / No

Comments:

Has sufficient time been provided for reflection, consultation, or procedural reassessment before transition?

Yes / No

Comments:

Are participants demonstrating understanding, procedural awareness, and ability to continue meaningfully?

Yes / No

Comments:

Would a pause, adjournment, or delayed transition likely improve fairness, emotional regulation, or procedural stability?

Yes / No

Comments:

SECTION 3 - Reconfirming Informed Consent

Consent Confirmation

Have participants been reminded that the neutral's role is changing from mediator to arbitrator?

Yes / No

Comments:

Have participants been informed regarding arbitration structure, hearing procedure, evidentiary process, and adjudicative authority?

Yes / No

Comments:

Have participants been given the opportunity to ask questions regarding the transition?

Yes / No

Comments:

Do participants continue consenting voluntarily to arbitration proceeding with the same neutral?

Yes / No

Comments:

Has continued consent been documented clearly, confirmed verbally, and recorded appropriately within the file?

Yes / No

Comments:

SECTION 4 - Confidentiality and Information Management

Transition Information Review

Have confidentiality boundaries been reviewed before arbitration begins?

Yes / No

Comments:

Have participants been reminded that confidential mediation discussions do not automatically become arbitration evidence?

Yes / No

Comments:

Has the neutral reviewed caucus information, confidential communication, and mediation notes appropriately before transition?

Yes / No

Comments:

Have decisions been made regarding retention, separation, destruction, or management of mediation notes?

Yes / No

Comments:

SECTION 5 - Arbitration Scope Clarification

Identifying Remaining Issues

Have unresolved issues been clearly identified?

Yes / No

Comments:

Have settled issues been separated from unresolved issues appropriately?

Yes / No

Comments:

Has the scope of arbitration been defined, clarified, and communicated to all participants?

Yes / No

Comments:

Have participants confirmed understanding regarding what issues remain subject to arbitration?

Yes / No

Comments:

SECTION 6 - Procedural Structure for Arbitration

Arbitration Planning

Have participants been informed regarding hearing format, scheduling, evidence procedure, witness process, and procedural timelines?

Yes / No

Comments:

Have procedural directions been documented, communicated, and confirmed appropriately?

Yes / No

Comments:

Will arbitration proceed immediately, on another date, virtually, or in person?

Comments:

Have participants been informed regarding disclosure expectations, hearing conduct, and evidentiary requirements?

Yes / No

Comments:

SECTION 7 - Neutrality and Fairness Assessment

Reflective Practitioner Review

Does the neutral believe fairness and neutrality can continue to be maintained appropriately during arbitration?

Yes / No

Comments:

Would caucus information, emotional dynamics, prior mediation discussions, or procedural history create significant concern regarding perceived neutrality, fairness, or adjudicative integrity?

Yes / No

Comments:

Would referral to another arbitrator likely better protect fairness, participant confidence, or procedural legitimacy?

Yes / No

Comments:

Has the neutral reflected carefully regarding impartiality, role transition, and adjudicative readiness before proceeding?

Yes / No

Comments:

SECTION 8 - Technology and Virtual Transition

Online Process Considerations

Will arbitration occur through virtual hearing, electronic participation, or digital evidence management?

Yes / No

Comments:

Have participants been informed regarding technology expectations, confidentiality, recording restrictions, and virtual hearing procedure?

Yes / No

Comments:

Can the virtual process reasonably maintain fairness, communication stability, procedural clarity, and confidentiality?

Yes / No

Comments:

SECTION 9 - Final Transition Decision

Transition Outcome

- Proceed to Arbitration
- Proceed Following Adjournment
- Additional Clarification Required
- Refer Arbitration to Another Neutral
- Terminate Med-Arb Process

Additional Transition Notes:

Neutral Signature:

Date: